

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MATTHEW TEVIS PASSARO,

Defendant.

07CR2308-BEN
Criminal Case No. 07MJ0933

FINDINGS OF FACT AND ORDER OF
DETENTION

In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. §§ 3141 *et seq.*), a detention hearing was held on August 21, 2007, for the Court to determine whether defendant Matthew T. Passaro ("Defendant") should be held in custody pending trial on the grounds that he is a flight risk. Assistant U.S. Attorney Alessandra P. Serano appeared on behalf of the United States; Jami L. Ferrara, Esq., appeared on behalf of the Defendant.

Based upon the evidence and argument presented at the hearing, the Court concludes that the United States has established by a preponderance of the evidence that no condition or combination of conditions reasonably will assure the appearance of the Defendant as required. The Court therefore orders that the Defendant be detained pending trial and, if convicted, sentencing in these matters.

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I

FINDINGS OF FACT

A. Nature and Circumstances of the Offense Charged (18 U.S.C. § 3142(g)(1))

1. The Defendant is charged in a Criminal Indictment with failing to register as a sex offender, in violation of 18 U.S.C. § 2250.

B. Weight of the Evidence Against the Defendant (18 U.S.C. § 3142(g)(2))

Although it is the least significant factor, the weight of the evidence against the Defendant is strong.

1. In 2004, the Defendant was convicted of felony sexual assault in New Jersey. As a result of this conviction, he was required to register as a sex offender in every jurisdiction he lived.
2. In July 2006, Defendant was arrested in New York and currently has an outstanding bench warrant for him. In January 2007, Defendant was arrested in Nevada and in March 2007 he was encountered by San Diego local police on three separate occasions. He failed to register as a sex offender in Nevada and California.
3. In July 2007, defendant was found in West Palm Beach, Florida. He was not registered as a sex offender in Florida.

C. History and Characteristics of the Defendant (18 U.S.C. § 3142(g)(3))

1. The Defendant is a United States citizen.
2. Defendant resides in Florida in a motel and does not have steady employment.
3. Defendant has a lengthy criminal history in New Jersey, New York, Connecticut, Nevada and California. He has an active arrest warrant from New York.
4. Defendant has substance abuse issues with marijuana.

D. Nature and Seriousness of Danger Posed by Release (18 U.S.C. § 3142(g)(4))

1. The crime for which defendant is charged with concerns failing to register as a sex offender. Defendant's criminal record in at least four different states indicates that he fails to abide by laws and the active warrant from New York indicates that he fails to follow the terms and conditions of his probation/parole.

II

REASONS FOR DETENTION

A. The Defendant faces up to a ten year statutory maximum sentence in custody if convicted of the offense charged in the indictment. He has no known ties to the community. He therefore has a strong motive to flee.

III

ORDER

IT IS HEREBY ORDERED that the Defendant be detained pending trial in this matter.

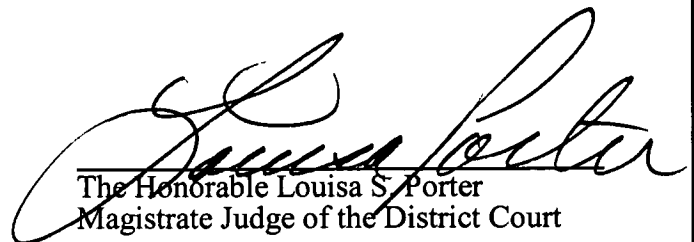
IT IS FURTHER ORDERED that the Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded reasonable opportunity for private consultation with counsel.

While in custody, upon order of a court of the United States or upon the request of an attorney for the United States, the person in charge of the correctional facility shall deliver the Defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding or any other appearance stipulated to by defense and government counsel.

THIS ORDER IS ENTERED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: August 23 2007


The Honorable Louisa S. Porter
Magistrate Judge of the District Court

Prepared by:

KAREN P. HEWITT
United States Attorney

s/Alessandra P. Serano
Alessandra P. Serano
Assistant U.S. Attorney

cc: Jami L. Ferrara, Esq. (Via email)